

REMARKS

Applicants acknowledge the election/restriction requirement to the groups identified by the Examiner where:

X, R1, R2, R6, Ra, Rb, Rc, Rd, m and n are as defined;

R3 is unsubstituted phenyl;

R4 is hydrogen or C1-3 alkyl; and

R5 is hydrogen or C1-3 alkyl.

Applicants reserve the right to file the non-elected subject matter in the instant case in one or more divisional and/or continuation applications without prejudice under 35 USC 121.

As a result of this amendment, Claims 21-22 have been canceled, Claims 25-29 have been added, claims 13-15, 18-19 have been amended. Claims 13-20, 23-29 are now pending. Applicants have also canceled non-elected subject matter obviating the objection on page 2 of the Office Action. No new matter has been added to this application by way of amendment.

Claim Rejections

Claims 21-22 have been rejected under 35 USC 112, first paragraph. This rejection is traversed in-part.

While not agreeing with the propriety of the rejection and solely to advance prosecution in the case, Applicants have deleted these claims, and have presented new claims 25, 26, 27, 28 and 29.

New claims 25 and 26 are directed to a method of inhibiting tumour cell proliferation. New claims 27 is directed to a method of treating solid tumours. Inhibiting tumour cell proliferation has support in the specification on page 31, third full paragraph, page 33, second full paragraph. Treating solid tumours has support in the specification on page 34,

second full paragraph. In order to demonstrate the compounds of the invention possess this activity, Applicants submit herewith the declaration of Ulrike Tontsch-Grunt. The Declaration presents objective evidence for demonstrating activity against solid tumours for the compounds of the present invention by showing their ability to inhibit tumour cell proliferation by the cited standard procedure. This procedure is an art recognized test for inhibiting tumour cell proliferation and demonstrates Applicants' assertions in the specification that the compounds of the invention possess activity for inhibiting tumour cell proliferation. The compounds of the invention therefore are useful in treating diseases related to such activity, such as solid tumours. It is further stated in the Declaration that the activity is commensurate in scope for the claimed subject matter.

New claims 28 and 29 are directed to a method of inhibiting endothelial cell proliferation. Support is to be found in the specification on page 31, and pages 32 -33. Data demonstrating this activity of the claimed compounds is found in the table on page 33 which shows the results of the test described on pages 32-33. The data demonstrates Applicants' assertions in the specification that the compounds of the invention possess activity for inhibiting endothelial cell proliferation. The compounds of the invention therefore are useful in treating diseases related to such activity.

Objection to the Specification

Applicants would like to respectfully point out to the Examiner that the Preliminary Amendment, dated Feb 21, 2002 contains the reference to continuing data the Examiner has mentioned. Specifically, it states:

--Application Data

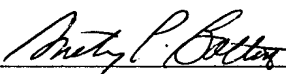
This application is a 35 USC § 371 case of PCT EP 00/08149 which in turn claims priority to German cases DE 199 40 829.7 filed August 27, 1999 and 100 29 285.2 filed June 14, 2000.--

Applicants request the Examiner to please confirm this amendment to the specification has been entered.

A good faith effort has been made by Applicants to place the present claims in condition for allowance. Should there be any questions or further clarification needed the Examiner is earnestly solicited to contact the undersigned attorney at the below-listed telephone number.

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Dated

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